

Chapter 6:

Significant Land Use Issues

This chapter presents and discusses significant land use issues identified by the Leland Township Planning Commission, Township Board, and township residents. and property owners through community surveys conducted in 2005 and of registered voters and owners of property in Leland Township in 2018. The issues identified include some specific facilities and land uses as well as some of a more general concern.

6.1 Preservation of Township Character

Leland Township has characteristics which serve to define the Township and which attracts visitors and residents to the Township. This character is defined in a number of ways. The term “Character” means different things to different people, with these individual definitions frequently being in conflict with one another. There currently appears to be general agreement that the character of the Township focuses upon the Township’s rural,

agricultural, and fishing background; in addition to the focus on small, and unique commercial establishments within the “villages” of Leland and Lake Leelanau, and residential development in both the villages as well as along shorelines of Lake Leelanau and Lake Michigan.

The Township recognizes the rights of property owners with respect to preserving the character of the Township and must involve them in its efforts to protect the character of Leland Township.

6.2 Farmland and Open Space Preservation

Agriculture and agriculture-related businesses are a critical part of the Township’s character, economy, and rural heritage; and, therefore it should be supported through zoning that fosters a healthy economic environment for farmers.

The Township acknowledges that agricultural activities can result in 24 hour a day operations, noise, pesticides, insecticides and herbicides, in effect having many characteristics similar to industrial uses. These uses are in many instances are protected by the Michigan Right to Farm Act provided the uses are being conducted in accord with “Generally Accepted Management Practices”. The Township is interested in making opportunities

available to allow the farm community to make an economic return from their investment, this must be balanced by ensuring that these opportunities are directed to protecting the truly agricultural uses and do not place undue burdens upon the community. These burdens can take the of form of excessive amounts of non-agricultural uses, noises and levels of traffic during all hours of the day.

Farmland and Open Space Preservation are very important to the property owners of Leland Township as evidenced by the finding from a Citizen Survey conducted in January 2005 and 2018., see Appendix A. Over 82 percent of the responding property owners indicated that they either agree or strongly agree that “*Leland Township should work to preserve open space*”. Approximately 75 percent of the respondents indicated they agree or strongly agree that it is “*Important to manage the conversion of farmland to residential or other developed uses*”.

Leland Township is very interested in making all multiple options available for the preservation of farmland and open space, such as the Purchase of Development Rights (PDR) program. The Township also clearly recognizes any farmer’s participation in a PDR or any other preservation type of program is will be completely voluntary.

The lands which are actively being farmed are shown on the Existing Land Use/Cover map, Figure 4-1 in Chapter 4 of this Master Plan. Of the existing active farmland, a limited amount of land (less than 1200 acres) is currently enrolled in the State of Michigan's Farmland and Open Space Preservation program, also known as PA 116, (see Figure 6-1). The combination of land on identified in the Leelanau County Tart Cherry Inventory, areas with Prime and Unique farmland soils, active agricultural lands, and areas designated for development are factors Leland Township considered in the designation of areas intended for preservation consideration, (see Figure 6-2). It is well recognized that those lands that are identified in the Tart Cherry Inventory are also very well suited for grape production, an agricultural activity that is taking on an important component of agricultural activity in the township.

While the respondents to the 2005 and 2018 surveys overwhelmingly believe in the need to preserve farmland and open spaces, they also believe that the acquisition of farmlands and unique open spaces or the development rights to these properties should be undertaken by the Leelanau Land Conservancy as opposed to Leland Township. The Township should maintain open communications with the Conservancy as to what the Township believes are critical areas warranting protection, with the

Conservancy working in a cooperative manner with the property owners to take those steps they believe are appropriate as befitting the Conservancy's mission and the desires of the specific property owners.

6.2 Fishtown

Fishtown is the area of Leland located on the water, at the marina, with small shops. This area has historic significance from the days when the economy of the area was heavily dependent on the fishing industry. In early 2007, a portion of the Fishtown area was purchased by the Fishtown Preservation Society, a non-profit organization formed to promote and preserve the historical and fishing heritage of Fishtown. The present uses in the Fishtown area are not accommodated with the standards of the current zoning ordinance.

One option that is being considered is to provide a zoning district or overlay district to allow for the continuation of the current uses, that are well accepted and desired by the residents (per 2005 survey findings) and visitors.

6.3 Residential Characteristics

Residential characteristics are determined by a number of factors; size of dwelling which can include ground floor or foot print as well as bulk of dwelling (foot print as well as mass or height), the placement of structures

upon the property (i.e., setbacks) and location of development along the lake shores, on ridgelines, and within view corridors.

Special care must be taken to ensure that provisions for housing take into account the character of Leland Township. The impact of housing upon the character of Leland Township can occur from the type of housing as well as the location of housing upon any given property. Two housing types are of particular concern, the first being a trend toward the development of massive single family residential structures along the lakefronts and other highly visible locations, and the second being the construction or location of housing which is work force friendly from a cost standpoint but which often times lack individually (i.e., cookie cutter residences). The Planning Commission must work to develop standards that identify those locations where large (5,000 square foot and larger) homes would be and not be permitted. Methods of achieving this could include, the review and potential revisions of the lot area coverage requirements of the zoning ordinance, requiring special land use permits for dwellings exceeding a given square footage, and ensuring that dwellings within Zoning Districts that limit the uses to single family occupancy are in fact limited to usage by a single family as defined in the Ordinance.

The Planning Commission needs to work with the business community, property owners, developers, the Sewer Commission and area organizations knowledgeable and committed to increasing the availability of housing in the Township. This will enable the planning and zoning of properties that are suitable for use for multiple family development and small housing units that would provide for the housing needs for those needing work force affordable housing. These types of residential development would be located in areas of the Township that are conducive to connecting with the community system or allow for the development of cluster septic waste disposal systems.

Views to and from the hills and water are an important component of the character of Leland Township (as re-iterated identified by survey respondents in the January 2005, and 2018 Surveys, see Appendix A. The Township recognizes the importance of views to the many residents and visitors, as well as concerns regarding the rights of the property owners. The Township Planning Commission needs to is exploring explore ways to provide for development options in the Zoning Ordinance to encourage the location of buildings set below the ridgelines, so that development occurs with a reduced in a manner with less visual impact., or such as by preserving existing vegetation to provide filtered views to and from the development site,

and/or to require additional landscape screening. Means to accomplish this include prohibiting the peak of the roof line from extending to an elevation above the elevation of the ridgeline, or requiring landscaping via the planting and maintenance of native shrubs and trees that will screen or otherwise visually breakup the view of the structures.

6.4 Commercial Use Characteristics

The Commercial Character of the Township is exemplified by the small, diverse commercial uses within the “villages” of Leland and Lake Leelanau. This type of development should be encouraged along with the ability of residential uses to be located on upper-level floors to provide for housing of business owners, employees, or others needing housing in the Township. The use of signs which contain interior and exterior lighting, flashing lights and lighted messages should be discouraged.

6.5 Service and Industrial Use Characteristics

Uses that provide services to the Township and surrounding area as well as locations for light manufacturing and industrial uses should be located in areas of the Township that are conveniently located for the user of the

services but also provide adequate parking and storage areas that are screened by means of topography and/or fencing and vegetative screening to minimize the visual impact of these uses.

6.6 Fishtown

Fishtown is the area of Leland located on the water, at the marina, with small shops. This area has historic significance from the days when the economy of the area was heavily dependent on the fishing industry. In early 2007, a portion of the Fishtown area was purchased by the Fishtown Preservation Society, a non-profit organization formed to promote and preserve the historical and fishing heritage of Fishtown. The present uses in the Fishtown area are not accommodated with the standards of the current zoning ordinance. accommodated by language contained within the zoning ordinance but the buildings and docks are subject to inundation due to periodic high-water levels which have been experienced in the mid to late 1980's as well as in the early 2020's. While the water levels are subject to change over time, the trend appears to be that increasingly high-water levels will occur over time which will require most, if not all, of the structures to be elevated to prevent being flooded. The elevation or reconstruction of the

structures located in Fish Town should be performed using similar materials and retain the architectural character of the existing structures.

One option that is being considered is to provide a zoning district or overlay district to allow for the continuation of the current uses, that are well accepted and desired by the residents (per 2005 survey findings) and visitors.

Fishtown is deserving of continued community support in making improvements to ensure its long-term viability.

6.7 Keyhole Development

Keyhole or funnel development is the practice of providing shared lake access to lakefront and/or non-lakefront property owners through a commonly owned parcel of waterfront property. Leland Township with its extensive water frontage is faced with the decision on how this type of use should be managed in the future. Some of the issues associated with keyhole development pertain to the “use ratio”, i.e., how many property owners can use a parcel that meets the minimum district area and frontage requirements; how many docks are allowed; amount of parking; and buffering/screening requirements along adjacent parcels. In many instances a keyhole development site has a boat launch or dock which increases the

traffic on the lake, this increase in boat traffic can negatively impact the water quality (due to spillage from boats, the mooring of boats and the loss of natural vegetation) and wildlife due to increased human activity. A reverse funnel development (wherein a lesser number of off the water parcels could use the frontage than would be allowed if the waterfront parcel were to be split into conforming waterfront parcels is the only occasion in which keyhole development should be considered.

As described in this Master Plan, water quality is important to Leland Township in terms of economics, tourism, natural environment and quality of life. Keyhole development can impact existing neighboring single-family homes due to excessive noise and traffic. Therefore, the regulation of keyhole development is necessary to ensure such development occurs only in a manner compatible with the surrounding area.

6.8 Demographic Changes and its impact upon Leland Township

Over the past 30 years, the Township has faced an in migration of retirees (former members of the work force) and an out migration of younger persons (those either currently in or needing to be in the workforce). The in migration is due in large part to the desirability of this area as a place to reside. The out migration has resulted from an insufficient number of year-round jobs

capable of supporting families, escalating costs of housing and the lack of a variety of housing options. The increases in land costs not only inflates the costs of housing but also puts added pressure on farmland to be converted into residential uses.

6.9 High Water Levels

High water levels, while not an everyday occurrence, have occurred in the past (1986 – 1989 and 2019 – 2021) and it is inevitable that they will occur in the future. High water levels are outside of the ability of the Township to remedy; however, the Township does have the ability to put measures into place to help to ensure that damages from these periods of high water are minimized. Acknowledging that much of the Lake Michigan frontage has been developed in the past, individual parcels of property are being redeveloped at the current time, with this being a trend that will continue into the future.

A number of methods are currently being used to combat the high-water levels, with the most common means being the armoring of the shoreline to protect against the erosion caused by wind and wave action. Another option

which has been used sparingly is the relocation of structures a greater distance from the water's edge.

The armoring of shorelines has been shown to be expensive, generally short lived, as well as shifting the resulting problems to neighboring properties.

The relocation of structures can be a more effective means of addressing the problems caused by high water levels over the long term and while in some instances can be more expensive in the short term, tend to be less expensive over time and not create problems for the neighboring property owners.

The Planning Commission needs to address the setback requirements for properties having frontage on Lake Michigan to ensure that as properties are redeveloped, i.e., the removal of existing structures or major reconstruction of existing structures, the structures are relocated in such a manner as to eliminate need to armor the shoreline and further to prevent structures from being subjected to high water levels. This may best be accomplished through the means of an overlay zone that has greater setback standards for the water front properties as opposed to the "back lot" parcels.

6.10 Utilities and Communications

Over time, societies needs and perceived wants can and do change. Provision for and/or accommodation of services in many instances require governmental involvement, while in other instances these needs are best provided for by private companies, in some cases with the encouragement, guidance or assistance of the government.

6.11 Septic and Sewer Issues

Portions of Leland Township are served by a public sanitary sewer system. The areas served are primarily limited to parts of the two unincorporated villages, as depicted in Figure 8-1 Future Land Use Map. Issues were raised by survey respondents in the 2005 Survey and again in the 2018 Survey and the master plan steering committee regarding the expansion of the system to serve other portions of the Township, especially around Lake Leelanau in order to help protect water quality. At present, Over the years, the Sewer Commission is pursuing the has explored the concept of additional drain fields to increase the processing capacity in order to meet the anticipated demands of the existing sewer districts. The Planning Commission and the Sewer Commission have begun a dialog to look at the issue of future growth and the impacts of sewer availability. At present, the primary areas of focus

for providing sewer are the two villages, which is consistent with where the Township wishes to focus growth. As the need to allow for a variety of housing types that are either not currently located within the Township, or for which there is an inadequate number, increases, the Planning Commission should ensure that the Sewer Commission is aware of those needs to expand the existing system to provide services to those portions of the Township community the Planning Commission believes are appropriate to accommodate those new and expanded housing options.

6.12 Solid Waste and Recycling Services

Solid waste collection needs are being currently being well met by private companies with curbside collection being available on a weekly basis. The one issue with this weekly collection is that in the portions of the Township that have residences that are occupied on less than a full-time basis, part time occupants of the residences (primarily on weekends) put their refuse out on Sunday afternoon or evening before leaving for the week. With refuse collection occurring in the middle to late part of the week, racoons and other animals tend to rip open the bags with the refuse contained within them and

up being spread along the roadside by the animals and wind. Use of solid waste bins or totes can help to minimize these issues.

Recycling services are provided by a private company in concert with the County with drop off locations throughout the County. At the current time, a convenient location is not available in Leland Township according to survey respondents. The Township should work with the County in establishing a permanent location in, or near, either Leland or Lake Leelanau to service the needs of the Township residents and visitors.

6.13 Communication Services

As technology and society changes, so too, has the need for how we work and communicate. The ability to carry one phone from place to place and being able to receive and make call has hastened this shift. Not only does one not need to be at one's place of work or residence but while traveling, sitting at the beach or most anywhere else, people have the ability to avail themselves of telephone service. With the mobility of our population and the expansion of the usage of cellular telephones, an increasing percentage of the population is no longer using land line telephone services. In order for the residents and visitors to Leland Township to utilize cellular phones, good

signal reception is necessary. Leland Township should work with the adjoining Townships, Leelanau County and the cellphone service providers to ensure that adequate service is available. At the current time, based upon the recent community survey, quality service is lacking in portions of the Township during times of peak demand (summer time) due to the large population influx while in other portions of the Township, service is lacking most if not all of the year, due in large part to the topography of the county and lack of cellular towers.

Again, as technology advances, individuals, businesses and the public sector are able to increasingly work from remote locations. The 2020 Covid 19 Pandemic has resulted in not only people being forced to work from remote locations but has also closed many of our schools, resulting in students having to work from home as well. This change in how we are working and learning has put our internet services to the test and has been found to be lacking in many instances. While many persons that are working and learning remotely will be going back to their traditional work places and schools, the pandemic has shown that many persons who have been able to work from home will be able to continue to do so post pandemic. This remote working, should Leland Township choose to embrace an influx of

year-round remote workers, has tremendous economic opportunities that have not been available in the past. This opportunity will not be available without quality, high speed broadband internet services being available throughout the Township.

The Township should work closely with public agencies and internet service providers to ensure that quality service is availability township wide.

6.13 Commercial Uses in Non-Commercial Zoned Districts

A growing trend is the location or attempted location of commercial uses in non-commercially zoned districts. These uses include the use of residentially zoned properties for the hosting of group events such as reunions, weddings and receptions; short term rentals, whereby residences are leased out for periods of time (less than one month in duration and in some instances for as little as one night at a time) in zoning districts that do not allow for commercial uses to occur. The development of storage buildings of which all or a part of said buildings are leased out for use by those neither residing upon or having an ownership interest in that property on which the storage building(s) is located is also a growing trend.

The zoning ordinance needs to address this use to clearly determine it to be either a residential use which would be allowed in single family dwellings or to classify this use as a commercial use and set standards under which this type of use would be allowed in non-commercial districts. While it is not counter to the ordinance to allow events to take place upon a parcel of property by the occupant such as graduation parties and wedding receptions for the inhabitants of the property, the renting out of property for the primary purpose of hosting such events changes the nature of the property by virtue of the potential of such events occurring on multiple occasions throughout the year. The zoning ordinance does not currently identify this use as a permit use; therefore, it could be argued that this is a use which is in violation of the ordinance. The zoning ordinance should be amended to clarify this issue for both those uses which have historically taken place but for new short-term rentals which could take place in the future. A related concern is the allowance of short-term rentals to occur in both the principal dwelling and an accessory dwelling. The leasing of property for hosting of events, short term residencials and storage been greatly accelerated due to the ability to advertise these uses via the internet.